S.B. CIVIL MISC. APPEAL NO. 533/2001

Date : 09.03.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. T.Gupta for the appellant.
Mr. Santosh Choudhary for Mr. Anil Bachhawat for the respondents.

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Heard.

In this case, the Insurance company has been exonerated on the ground that the passenger was gratuitous passenger and in the light of the decision of this court in New India Insurance company Ltd Vs. Shri Satpal Singh, the issue was decided in favour of the Insurance Company.

Learned counsel for the appellant submitted that hough Satpal Singh's case (Supra) has been reversed by the Hon'ble Supreme Court but since a clear finding has been given as to whether the passenger was gratuitous passenger on not, this issue needs to be addressed afresh.

In that view of the matter, the appeal is allowed. The award is set aside and the matter is remanded back to the Tribunal to look into the matter afresh from the angle that the gratuitous person is not entilted to recover claim from the Insurance Company as the Satpal Singh's case has been reversed by the Hon'ble Supreme Court. Parties will be at liberty to contest all the points before the Tribunal.

(BHAGWATI PRASAD), J.